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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 USA CAPITAL REALTY ADVISORS, LLC,

16 USA CAPITAL DIVERSIFIED TRUST DEED
17 FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED FUND,
19 LLC,

20 USA SECURITIES, LLC,

21 Debtors.

22 **Affects:**

- 23 All Debtors
- 24 USA Commercial Mortgage Company
- 25 USA Capital Realty Advisors, LLC
- 26 USA Capital Diversified Trust Deed Fund, LLC
- 27 USA Capital First Trust Deed Fund, LLC
- 28 USA Securities, LLC

29 Case No. BK-S-06-10725-LBR
30 Case No. BK-S-06-10726-LBR
31 Case No. BK-S-06-10727-LBR
32 Case No. BK-S-06-10728-LBR
33 Case No. BK-S-06-10729-LBR

34 **CHAPTER 11**

35 Jointly Administered Under Case No. BK-S-
36 06-10725 LBR

37 **NOTICE OF HEARING REGARDING
38 SECOND OMNIBUS OBJECTION OF
39 USA COMMERCIAL MORTGAGE
40 COMPANY TO CLAIMS ASSERTING
41 SECURED STATUS**

42 Hearing Date: April 26, 2007

43 Hearing Time: 9:30 a.m.

44 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
45 YOU FILED. THE DEADLINE TO RESPOND TO THE OBJECTION IS APRIL
46 19, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
47 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
48 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
49 SHOULD BE DIRECTED TO BMC GROUP AT **888-909-0100**, OR
50 WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel.**

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1 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
2 through its counsel, has filed a Second Omnibus Objection to Claims Asserting Secured
3 Status (the “Objection”). The USACM Liquidating Trust has requested that this Court
4 enter an order, pursuant to section 502 of title 11 of the United States Code (the
5 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
6 “Bankruptcy Rules”), disallowing approximately 1,600 alleged secured claims asserting
7 claims that aggregate over \$296 million. Specifically, the USACM Liquidating Trust
8 objects to the secured status asserted in the proofs of claim listed on the **Exhibit A** to the
9 Objection, which is served with this Notice. The objection asserts that the listed claims
10 are not secured by property of the USACM estate, although the loans that are the basis of
11 the claims may be secured by property of the loan Borrowers. The Trust requests that the
12 Court reclassify these claims as general unsecured claims (subject to additional
13 objections). As explained in the motion, the USACM Liquidating Trust may have other
14 objections to the claims that will be filed later.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
16 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
17 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
18 **April 26, 2007, at the hour of 9:30 a.m.**

19 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26,**
20 **2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
21 **SCEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
22 **HEARD ON THAT DATE.**

23 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
24 by **April 19, 2007** pursuant to Local Rule 3007(b), which states:

25 If an objection to a claim is opposed, a written response must be filed and
26 served on the objecting party at least 5 business days before the scheduled
hearing. A response is deemed sufficient if it states that written

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1 documentation in support of the proof of claim has already been provided to
2 the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this
4 pleading with the Court. You *must* also serve your written response on the person who
5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your
7 written response on the person who sent you this notice, then:

8

- 9 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 10 • The Court may *rule against you* without formally calling the matter at the
hearing.

11 Dated: March 20, 2007.

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13 **LEWIS AND ROCA LLP**

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15 By: /s/ RC (#6593)

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